



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

November 15, 2019

TO: PLANNING COMMISSION
PLANS & POLICY COMMITTEE

RE: **STAFF SUMMARY REPORT**
DCP AND REZONE – 13TH AND WEST PERSIMMON MULTI-FAMILY

STAFF: JESSICA MASTERS, PLANNER III
KRISTIFER PAXTON, DEVELOPMENT COMPLIANCE MANAGER

PROJECT INFORMATION:

PROJECT NAME:	13 th and West Persimmon Multi-Family
ADDRESS/LOCATION:	410 N. 13 th Street
CURRENT ZONING:	C-2 (Highway Commercial District)
PROPOSED ZONING / DENSITY:	RMF-12B (Residential Multi-Family District), 12 rental units/acre
GROSS SITE AREA:	3.95 acres
DWELLING UNITS:	48 units
BUILDING TYPE:	Multi-Family (4 plex)

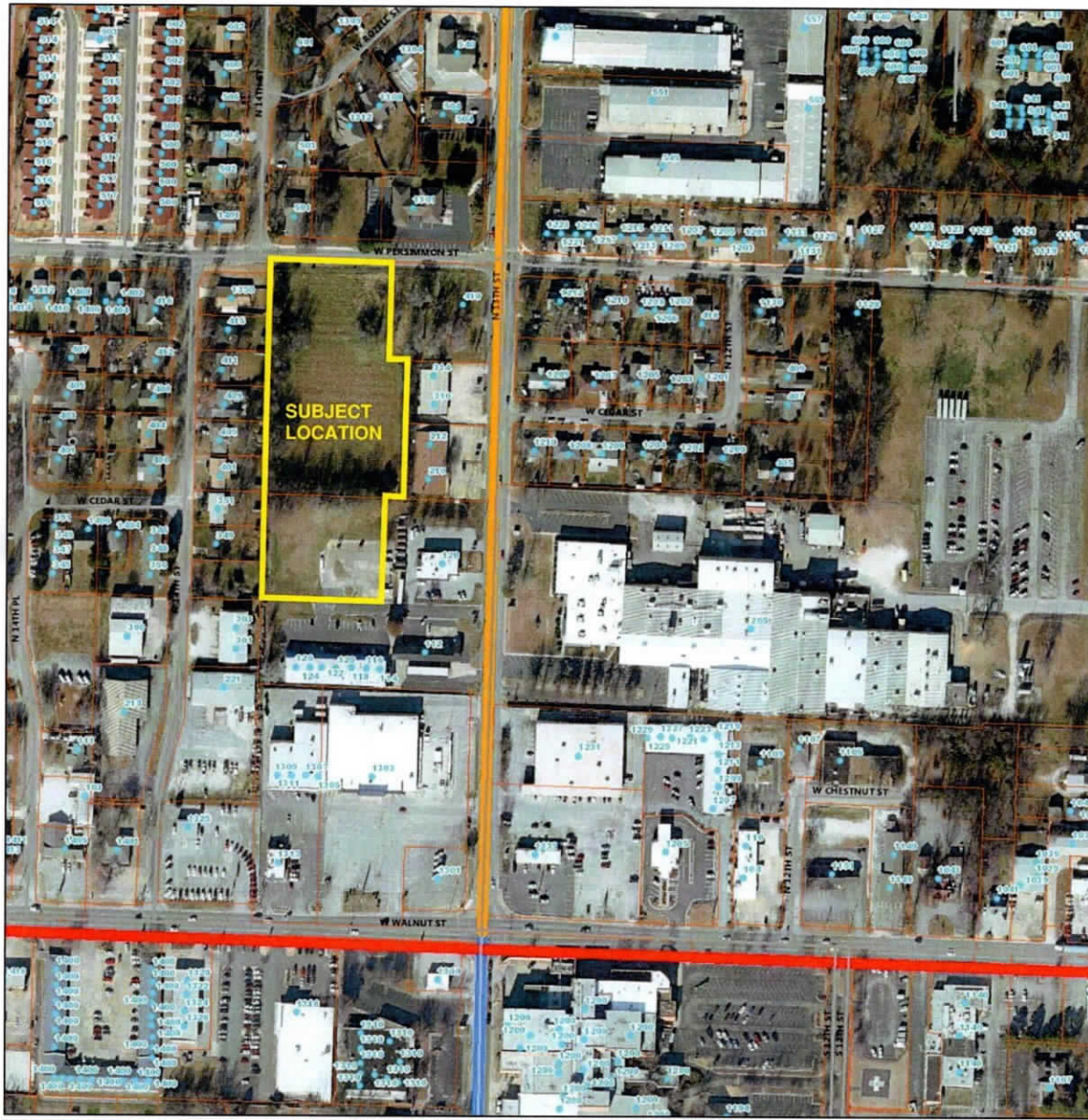
APPLICANT INFORMATION:

APPLICANT/REPRESENTATIVE:	Civil Design Engineers, Inc/Ferdi Fourie
PROJECT OWNER/DEVELOPER:	Leisure Homes Corp./Thom Embach
PROPERTY OWNER:	Jeremy Avance (Representative Realtor: Renda Robertson)
REQUEST:	Approval of Density Concept Plan and Rezone from C-2 to RMF-12B

CITY INFORMATION:

CGM GROWTH DESIGNATION:	Neighborhood
GROWTH DESIGNATION CHARACTER:	Per CGM Page 1, Neighborhood is characterized by "Single-use residential areas connected by collector and local streets that may feature community-oriented non-residential uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development."
BASE DENSITY:	6 units/acre
MAX DENSITY:	12 units/acre
AUTHORITY:	Sec. 14-727 and Sec. 14-737, Rogers Code of Ordinances

VICINITY MAP:



BACKGROUND:

1. Planned Use: Multi-Family (4 plex)
2. Zoning District Intent:
 - a) R-MF: Per Sec. 14-703(a), the purpose of R-MF zoning is "intended to provide suitable areas within the City for attached and detached residential development. The zoning shall be designated as R-MF followed by the specific density per acre in increments of one-half units per acre. The letter "A" or "B" will follow unit density to designate rental or individual ownership with "A" being individual ownership and "B" being rental. The district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. New single-family dwellings are not permitted to ensure that vacant land set aside for multifamily development is not preempted by less intense development. The zero-lot-line concept, which permits construction with no side yard setback on one side, may be used within such districts. Horizontal property regimes shall be permitted in this district."

ENGINEERING REVIEW:

1. Street Network Capacity:

- a) General Findings (Proposed DCP): Staff finds that the proposed DCP did not provide trip generation data, information regarding traffic capacity generated from this development, or multi-modal transportation infrastructure to offset the potential increase in traffic. Engineering staff finds that the applicant's submittal is incomplete per Sec. 14-737(b)(2)(B) stating *"Submit a complete DCP application with any relevant supplemental materials including but not limited to site plans, elevation drawings, schematic drawings, written narratives, reports, or other materials requested by staff."*

2. RECOMMENDATIONS:

a) Street Network:

- i) Staff recommends **APPROVAL** of the DCP with the following conditions:

- (1) The applicant should submit a statement to Engineering addressing multi-modal transportation infrastructure to offset potential increase in traffic, trip generation estimates, average daily traffic (ADT) and peak hour volume data of **Persimmon St**, roadway safety characteristics, pavement condition, impact of existing and proposed nearby development, traffic management characteristics such as internal circulation routes, access points, calming methods, and parking management techniques, and travel demand factors such as on-site amenities and mixed-use, proximity to essential goods and services, and the integration of non-vehicular infrastructure as defined in the Review Criteria in Sec. 14-737; and
- (2) The applicant should revise and submit the provided site plan to provide striping within the roundabout to show a directional traffic path to be deemed suitable by the City Engineer.



KRISTIFIER PAXTON, Development Compliance Manager
City of Rogers Engineering Division



LANCE JOBE, City Engineer
City of Rogers Engineering Division

PLANNING REVIEW:

1. Land-Use Compatibility:

- a) Comprehensive Growth Map: The proposed rezone is consistent with the CGM (Tab 3). RMF-12 is an allowed zoning district within the Neighborhood Growth Designation. Based on the guidelines indicated in the CGM, staff finds this to be an appropriate rezone request.
- b) General Findings (Proposed Zoning District): The property is adjacent to R-DP to the east and C-2 on all other sides. The property is approximately .25 miles from a Neighborhood Center, and is almost adjacent to an Access Corridor, both of which are higher intensity uses, and the property in question is not adjacent to any RSF zoning districts. In Neighborhood areas, the application of R-MF is generally most appropriate in transitional locations adjacent to higher intensity Growth Designations. However, the proposed zoning district is intended for areas that have access to higher classification streets without traversing minor streets in adjoining residential neighborhoods. The subject request is compatible with adjacent property and is consistent with the development goals of the surrounding area, however, the site does not have immediate access to higher classification streets.
- c) General Findings (Proposed DCP): Staff finds that the proposed DCP would generally ensure compatibility with the surrounding area and maintain consistency with the purpose, character, and goals of the Neighborhood Growth Designation. The applicant proposes using 4-plex multi-family homes that are clad in brick with classical style columns. The scale and style of the buildings are both appropriate to their immediate surroundings, though slightly taller than anything in the immediate vicinity. While the development is subject to typical landscaping requirements per Large-Scale Development, the site plan as provided does not indicate how landscaping is intended to provide screening for lower density residential to the west. Additionally, the building placement does not take into consideration the existing street grid and frontage characteristics along Persimmon Street (i.e. homes facing the street).

2. Views of Others: Staff has received two public comments in favor of the proposal to date.

3. RECOMMENDATIONS:

- a) Plans & Policy Committee: All requests should be considered with regard to land-use compatibility and the health, safety, and general welfare of the public.
 - i) Recommend DCP and rezone for Planning Commission approval subject to the applicant addressing all deficiencies outlined in staff's findings.
- b) Planning Commission: All requests should be considered with regard to land-use compatibility and the health, safety, and general welfare of the public.
 - i) Accept DCP subject to the applicant addressing all deficiencies outlined in staff's findings and recommend rezone for City Council approval.



JESSICA MASTERS, Planner III
City of Rogers Planning Division



ETHAN HUNTER, City Planner
City of Rogers Planning Division

TOTAL REQUESTED VARIANCES AND WAIVERS:

1. No planning waivers or variances requested.

TOTAL STAFF RECOMMENDATIONS:

1. Recommend DCP and rezone for Planning Commission Approval subject to the applicant addressing all deficiencies outlined in staff's findings.

SUGGESTED MOTIONS:

1. Plans & Policy Committee:


- a) FOR APPROVE: "Move to recommend DCP for Planning Commission acceptance as presented for the request by Leisure Homes Corp. to rezone at 3.95 acres at 410 N 13th Street from C-2 to RMF-12B."
- b) FOR APPROVE WITH CONDITIONS: "Move to recommend DCP for Planning Commission acceptance for the request by Leisure Homes Corp. to rezone at 3.95 acres at 410 N 13th Street from C-2 to RMF-12B subject to [conditions, contingencies, or actions on requested waivers/variances]."
- c) FOR DENY: "Move to recommend denial of the request as presented."
- d) FOR TABLE: "Move to recommend tabling request as presented [indefinite or date certain]."

2. Planning Commission:

- a) FOR APPROVE: "Move to accept DCP as presented for the request by Leisure Homes Corp. to rezone at 3.95 acres at 410 N 13th Street from C-2 to RMF-12B."
- b) FOR APPROVE WITH CONDITIONS: "Move to accept DCP for the request by Leisure Homes Corp. to rezone at 3.95 acres at 410 N 13th Street from C-2 to RMF-12B subject to [conditions, contingencies, or actions on requested waivers/variances]."
- c) FOR DENY: "Move to deny of the request as presented."
- d) FOR TABLE: "Move to table request as presented [indefinite or date certain]."

DIRECTOR'S COMMENTS:

1. Agree with recommendation.

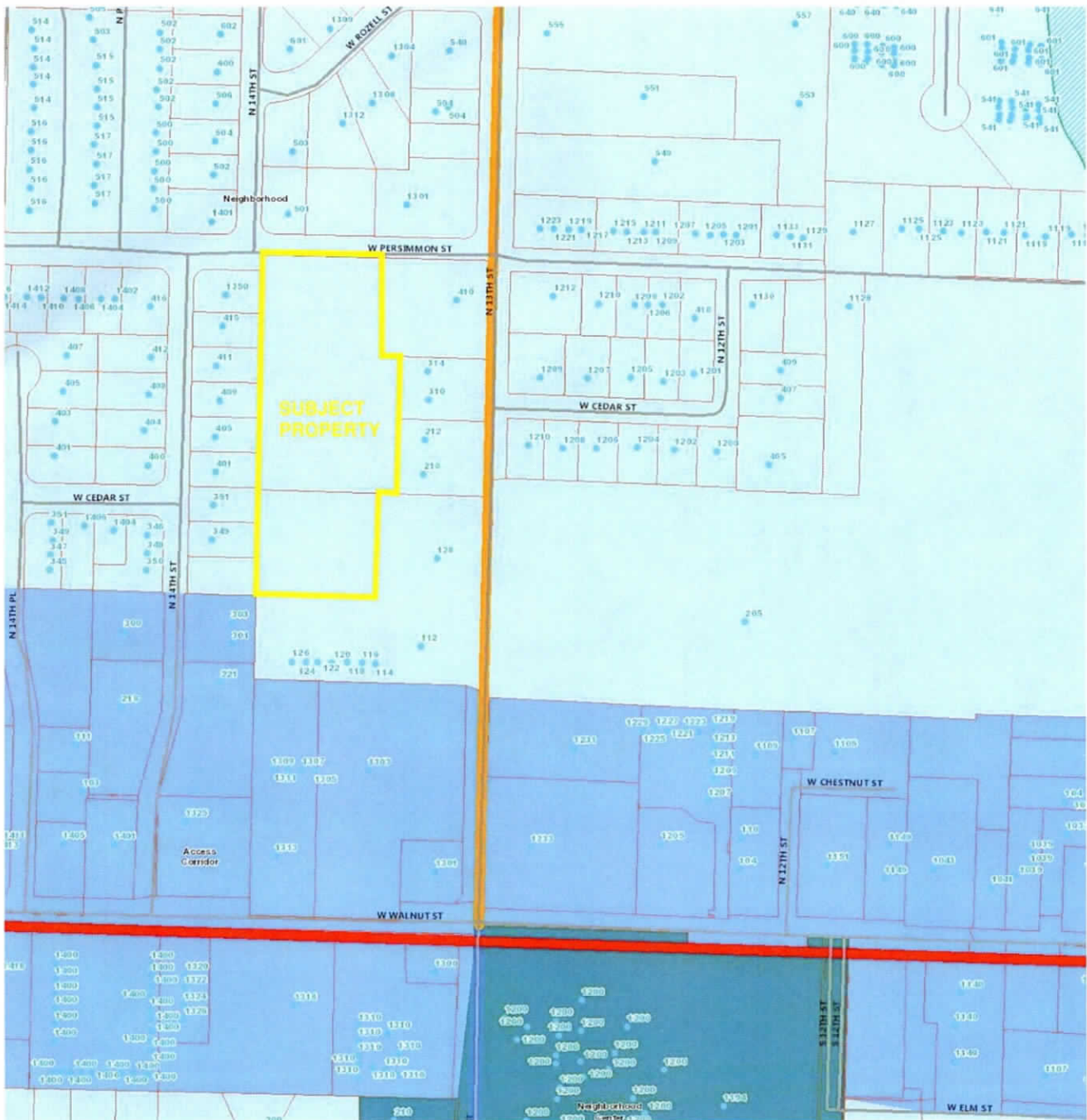


JOHN C. McCURDY, Director
City of Rogers Department of Community Development

TABS:

- 1. DCP / Rezone application with required supplements
- 2. Maps and/or photos

COMPREHENSIVE GROWTH MAP



CURRENT ZONING MAP





DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
CITY OF ROGERS, ARKANSAS
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

OFFICE USE ONLY

Permit Fee: \$200 (\$200)
Zoning: C-2 to RMF-12
Permit Number: F-46
CityView Application: PL201900730
Date: 11/5/2019

REZONE APPLICATION

APPLICANT: Civil Design Engineers, Inc. JEREMY AVANCE
ADDRESS: P.O. Box 56, Cave Springs, AR 72718 SUITE #: _____
GENERAL LOCATION OF PROPERTY: 410 N. 13th St.
PHONE #: 479-381-1066 EMAIL: ffourie@civilde.com
PROPERTY OWNER: Jeremy Avance PHONE #: 316-744-5159
PRESENT USE: None ZONING: C-2
PROPOSED USE: Residential Multi-Family ZONING: RMF-12

[Signature] 10-16-2019
Applicant Signature Date

Attachment Checklist:

- ☒ Legal description of property
- ☒ Applicant Certification
- ☒ Property Owner Affidavit
- ☒ Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: 10/31/19 PUBLIC HEARING DATE: 11/19/19 CERTIFIED MAIL DATE: 11/4/2019
PLANNING COMMISSION ACTION: _____ DATE: _____
CITY COUNCIL ACTION: _____ DATE: _____
ORDINANCE NUMBER: _____ COMMENTS: _____

PROPERTY OWNER AFFIDAVIT

The petitioner, Jeremy Avance petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION:

A PART OF THE SE1/4 OF THE NE1/4 OF SECTION 11, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A PK NAIL FOUND AT THE NE CORNER OF SAID SE1/4 OF THE NE1/4; THENCE ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4 S02°26'58"W 198.25 FEET; THENCE N87°30'02"W 180.00 FEET TO THE POINT OF BEGINNING; THENCE S02°26'58"W 275.00 FEET; THENCE N87°30'02"W 20.14 FEET TO AN IRON PIN FOUND; THENCE S02°28'12"W 206.80 FEET, THENCE N87°30'11"W 259.64 FEET; THENCE N02°20'47"E 651.16 FEET TO THE SOUTH RIGHT OF WAY LINE OF W, PERSIMMON STREET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE S87°21'53"E 242.66 FEET; THENCE S02°20'47"W 168.87 FEET; THENCE S87°39'13"E 38.06 FEET TO THE POINT OF BEGINNING, CONTAINING 3.95 ACRES, MORE OR LESS.

LAYMAN'S DESCRIPTION:

410 N. 13th Street, Rogers, AR

PRESENT ZONING: C-2

ZONING REQUEST: RMF-12B

Respectfully Submitted,

By: _____

(Property Owner Signature)

STATE OF ARKANSAS

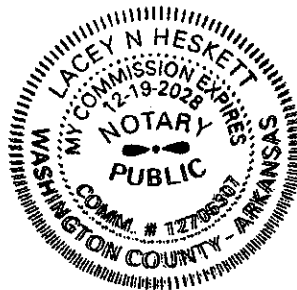
COUNTY OF Washington

Subscribed and sworn before me this the 16th day of October, 2019.

Lacey N Heskett
Notary Signature

Lacey N Heskett
Notary Name Printed

12-19-2028
Commission Expires





DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **November 5, 2019** at **5:00 p.m.** on the application by **Jeremy Avance** to consider a rezone with a density concept plan from **C-2 (Highway Commercial)** zoning to the **RMF-12 (Residential Multifamily, 12 units per acre)** zoning district at **410 N. 13th Street** the property being more particularly described as follows:

LEGAL DESCRIPTION:

A PART OF THE SE1/4 OF THE NE1/4 OF SECTION 11, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A PK NAIL FOUND AT THE NE CORNER OF SAID SE1/4 OF THE NE1/4; THENCE ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4 S02°26'58"W 198.25 FEET; THENCE N87°30'02"W 180.00 FEET TO THE POINT OF BEGINNING; THENCE S02°26'58"W 275.00 FEET; THENCE N87°30'02"W 20.14 FEET TO AN IRON PIN FOUND; THENCE S02°28'12"W 206.80 FEET, THENCE N87°30'11"W 259.64 FEET; THENCE N02°20'47"E 651.16 FEET TO THE SOUTH RIGHT OF WAY LINE OF W. PERSIMMON STREET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE S87°21'53"E 242.66 FEET; THENCE S02°20'47"W 168.87 FEET; THENCE S87°39'13"E 38.06 FEET TO THE POINT OF BEGINNING, CONTAINING 3.95 ACRES, MORE OR LESS.

LAYMAN'S DESCRIPTION:

410 N. 13th Street

Mandel Samuels, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **November 4, 2019**
BILL THE CITY OF ROGERS



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

OFFICE USE ONLY

Approved Density: _____

Application Number: _____

CityView Project: _____

Date Approved: _____

**DENSITY CONCEPT PLAN
APPLICATION FOR SUBMITTAL**

PROJECT INFORMATION:

PROJECT NAME:	13th and W. Persimmon Multi-Family
ADDRESS/LOCATION:	410 N. 13th Street
PROPOSED ZONING:	RMF-12B
PROPOSED DENSITY:	12 Units/acre
GROSS SITE AREA:	3.95
DWELLING UNITS:	48
BUILDING TYPE:	Multi-Family (4 plex)

APPLICANT INFORMATION:

APPLICANT/REPRESENTATIVE:	Civil Design Engineers, Inc.	PHONE:	479-381-1066
		EMAIL:	ffourie@civilde.com
PROJECT OWNER/DEVELOPER:	Leisure Homes Corp./Thom Embach	PHONE:	870-404-4549
		EMAIL:	thomembach@leisurehomes.com
PROPERTY OWNER:	Jeremy Avance (Representative Realtor: Renda Robertson)	PHONE:	316-744-5159
		EMAIL:	renda.nwa@gmail.com
REQUEST:	Rezoning C-2 to RMF12B		

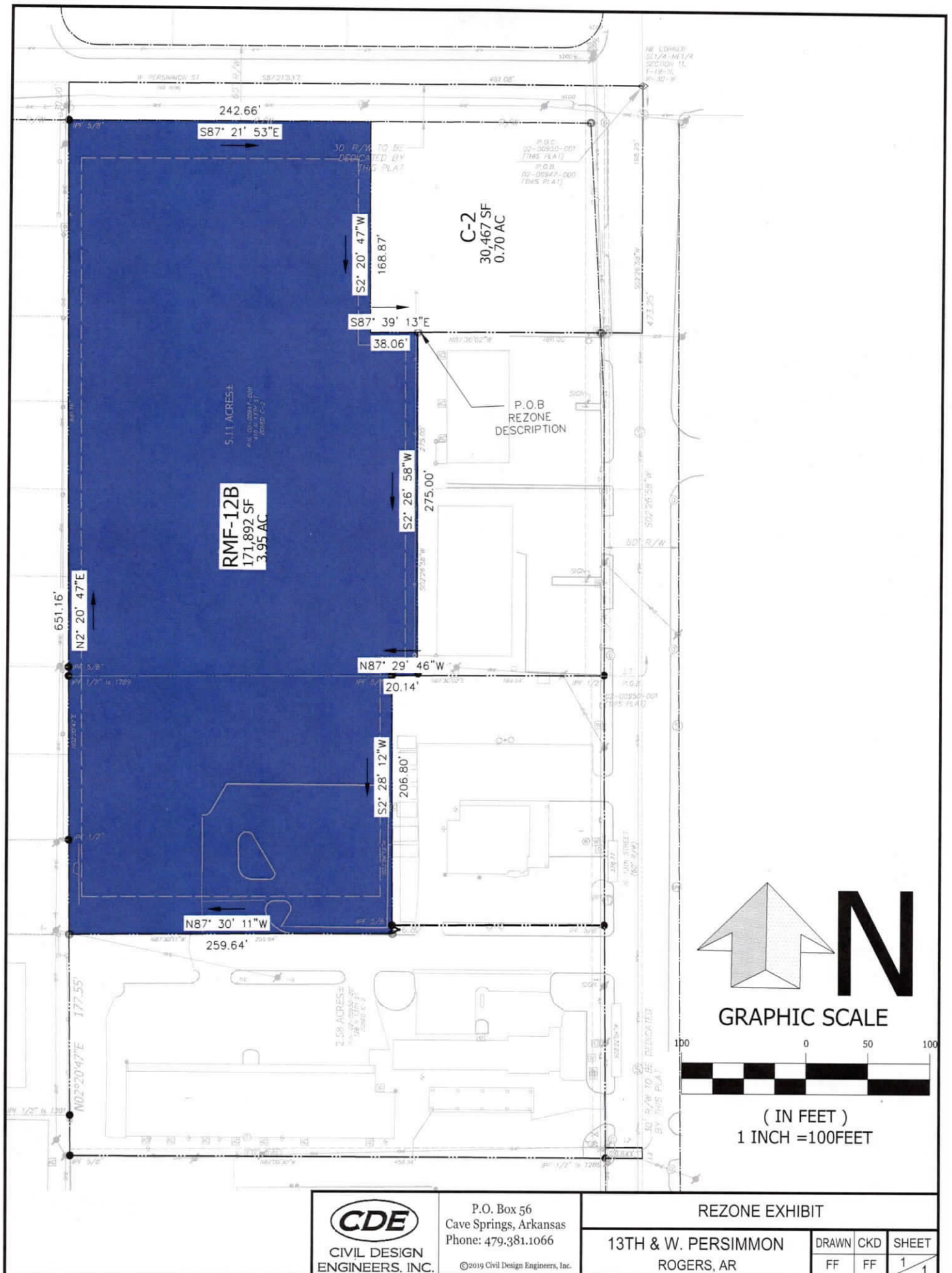
CITY INFORMATION:

CGM GROWTH DESIGNATION:	
CGM GROWTH DESIGNATION PURPOSE/CHARACTER:	
BASE DENSITY:	
MAX DENSITY:	
CURRENT ZONING:	

APPLICANT SIGNATURE: _____

10-18-2019

SUBMITTAL DATE: _____



CDE
CIVIL DESIGN
ENGINEERS, INC.

P.O. Box 56
Cave Springs, Arkansas
Phone: 479.381.1066

©2019 Civil Design Engineers, Inc.

REZONE EXHIBIT

13TH & W. PERSIMMON
ROGERS, AR

DRAWN	CKD	SHEET
FF	FF	1 / 1

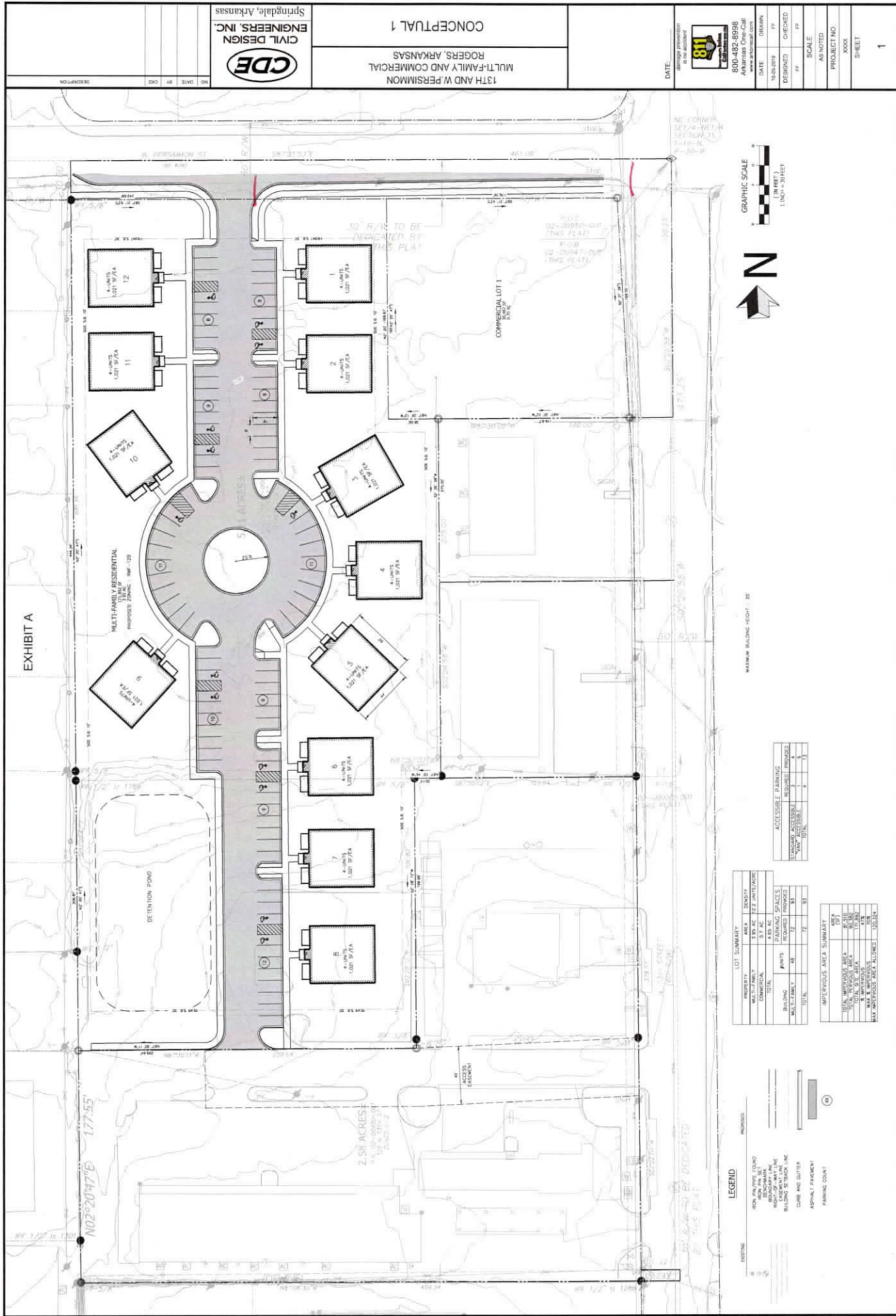


EXHIBIT A

Civil Design
ENGINEERS, INC.
Springdale, Arkansas

13TH AND W. PERSIMMON
MULTI-FAMILY AND COMMERCIAL
CONCEPTUAL 1

DATE: 10/20/2019
DRAWN: JMM
CHECKED: JMM
PROJECT NO.: XXXX
SHEET: 1

800-482-8998
www.civil-design.com

GRAPHIC SCALE
1" = 20' FEET



MAXIMUM BUILDING HEIGHT: 30'

LOT SUMMARY		SIZES	
PROPERTY	8.00 AC	5.1 AC	2.9 AC
WATER	0.00 AC	0.00 AC	0.00 AC
COMMERICAL	0.00 AC	0.00 AC	0.00 AC
TOTAL	8.00 AC	5.1 AC	2.9 AC

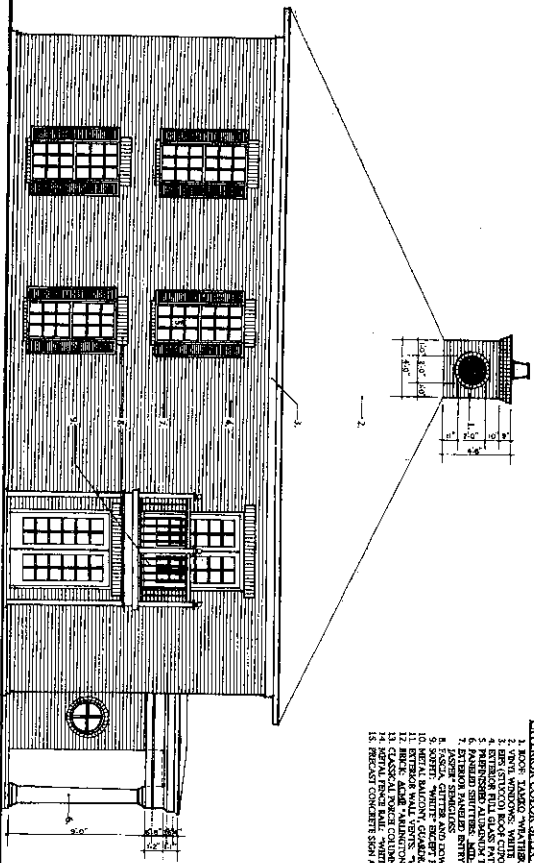
ACCESSIBLE PARKING		SIZES	
STANDARD ACCESSIBLE	3	0.00 AC	0.00 AC
MAX TOTAL	3	0.00 AC	0.00 AC

IMPERVIOUS AREA SUMMARY		SIZES	
TOTAL IMPERVIOUS AREA	10.4	0.00 AC	0.00 AC
TOTAL PAVED AREA	10.4	0.00 AC	0.00 AC
TOTAL ASPHALT PAVED AREA	10.4	0.00 AC	0.00 AC
MAX IMPERVIOUS AREA ALLOWED	10.4	0.00 AC	0.00 AC

LEGEND
EXISTING
PROPOSED
IMPERVIOUS AREA
ASPHALT PAVEMENT
PARKING COURT

EXTERIOR COLOR SELECTIONS:

1. ROOF: GRAY, METALLIC GRAY, ARCHITECTURAL GRAY, SHINGLES
2. VENT WINDOWS: WHITE
3. BRICK: GLENN ROCK BRICK, FINISH TO MATCH BRICKWORK
4. BRICK: GLENN ROCK BRICK, FINISH TO MATCH BRICKWORK
5. PAINTED SHUTTERS, AND MASONRY: WHITE
6. PAINTED SHUTTERS, AND MASONRY: WHITE
7. PAINTED SHUTTERS, AND MASONRY: WHITE
8. PAINTED SHUTTERS, AND MASONRY: WHITE
9. PAINTED SHUTTERS, AND MASONRY: WHITE
10. PAINTED SHUTTERS, AND MASONRY: WHITE
11. PAINTED SHUTTERS, AND MASONRY: WHITE
12. PAINTED SHUTTERS, AND MASONRY: WHITE
13. PAINTED SHUTTERS, AND MASONRY: WHITE
14. PAINTED SHUTTERS, AND MASONRY: WHITE
15. PAINTED SHUTTERS, AND MASONRY: WHITE



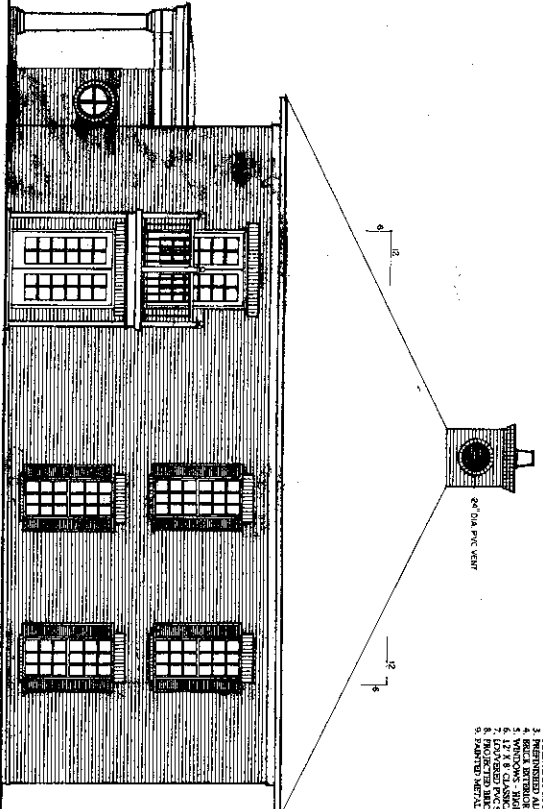
FRONT ELEVATION 1/4"=1'-0"

FRONT ELEVATION 1/4"=1'-0"

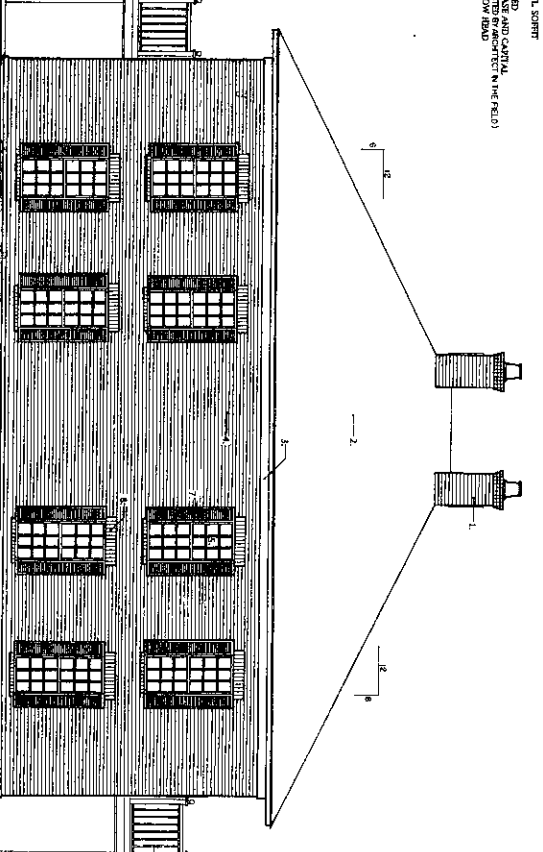
LEGEND OF EXTERIOR MATERIALS

1. ROOF: GRAY, METALLIC GRAY, ARCHITECTURAL GRAY, SHINGLES
2. VENT WINDOWS: WHITE
3. BRICK: GLENN ROCK BRICK, FINISH TO MATCH BRICKWORK
4. BRICK: GLENN ROCK BRICK, FINISH TO MATCH BRICKWORK
5. PAINTED SHUTTERS, AND MASONRY: WHITE
6. PAINTED SHUTTERS, AND MASONRY: WHITE
7. PAINTED SHUTTERS, AND MASONRY: WHITE
8. PAINTED SHUTTERS, AND MASONRY: WHITE
9. PAINTED SHUTTERS, AND MASONRY: WHITE
10. PAINTED SHUTTERS, AND MASONRY: WHITE
11. PAINTED SHUTTERS, AND MASONRY: WHITE
12. PAINTED SHUTTERS, AND MASONRY: WHITE
13. PAINTED SHUTTERS, AND MASONRY: WHITE
14. PAINTED SHUTTERS, AND MASONRY: WHITE
15. PAINTED SHUTTERS, AND MASONRY: WHITE

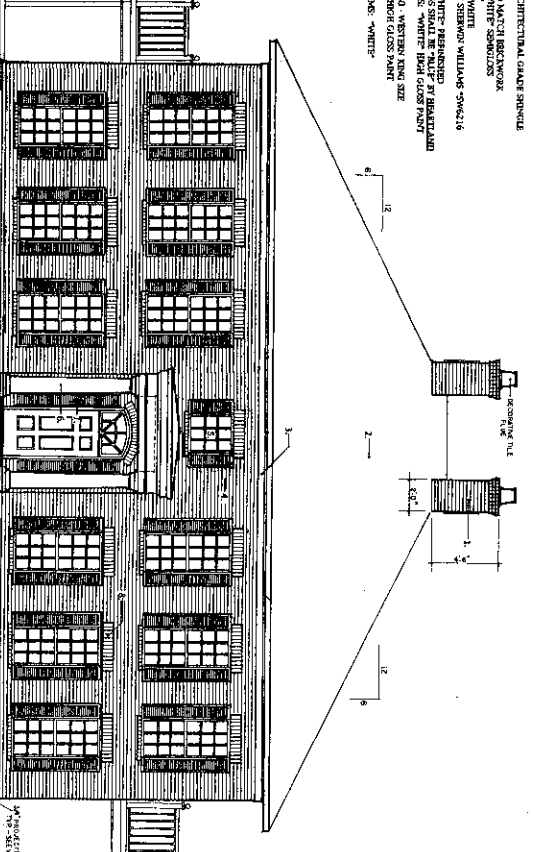
EXHIBIT B



LEFT SIDE ELEVATION 1/4"=1'-0"



RIGHT SIDE ELEVATION 1/4"=1'-0"



REAR ELEVATION 1/4"=1'-0"

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 1 day of November, 20 19.

Ferdi Fourie
Signed

Ferdi Fourie

Name Printed

STATE OF ARKANSAS

COUNTY OF BENTON

Subscribed and sworn before me this the 7 day of NOVEMBER, 20 19.

Mark A. Brewer
Notary Signature

MARK A. BREWER.
Notary Name Printed

MARK A. BREWER
IS A LICENSED REAL ESTATE AGENT
IN THE STATE OF ARKANSAS
ACTING IN HIS OWN INTEREST
Commission Expires